

## **REMARKS**

In response to Office Action dated March 24, 2004 and the enclosed Amendments and Response, it is respectfully requested that the United States Patent and Trademark Office reconsider the pending claims and consider them in condition for allowance.

### **Information Disclosure Statement**

It is not understood as to why a non-legible copy was provided with the Information Disclosure filed May 29, 2002 as the undersigned's file contains legible copies. However, the Information Disclosure Statement is herein re-filed to make the record complete.

### **Drawings**

The undersigned thanks the Examiner for his thoroughness and suggestions.

**Paragraph 2** – The specification has been amended to incorporate reference numerals 24 (pg. 6, line 29), 26 (pg. 6, line 10), and 72 (pg. 6, line 29) in Figures 1 and 2 and 610b, 610c (pg. 21, line 3), 200p, 200r and 200q (pg. 21, line 6).

**Paragraph 3** – The parrot has been correctly labeled 400 in Figure 7 and a corresponding change has been made at page 20, line 14.

**Paragraph 4** - The reference numeral "710" in program 700 of Figure 7 has been deleted.

It is believed that the remaining informalities have been detected and properly corrected by amendment. No new matter has been introduced in making any of these amendments. A new formal drawing for Figure 7 is provided.

## **SPECIFICATION**

**Paragraph 5** – The Examiner objects to a number of informalities in the Specification. His thoroughness and suggestions are again appreciated.

On page 5, the description of Figure 7 has been amended to be clear.

On page 6, line 6, the word "be" has been added.

With respect to the objection on page 7, lines 26-27, item 100A is clearly set forth in Figure 2 as an "underlying gaming machine" and the text has been amended to so state.

With respect to the objection on page 8, line 12, Figure 2 shows an underlying gaming machine 100a which is a slot machine with reels 94a, 94b and 94c, the paragraph on page 8, starting at line 8 has been amended to overcome this objection.

The objection pertaining to page 8, line 18 has been overcome by amending "100" to - 100b -- at page 8, line 18.

On page 10, line 1, it is well known in the gaming industry by one skilled in the art how a bonus feature starts in response to a random number generator 50. The random statistical frequency 300 is the starting step which responds to the output of a random number generator. The random number generator 50 is not a flow step but the output of a random number generator. Likewise, the player input 370 is also a device which affects flow step 310. The random number generator 50 and the player input 370 is shown, for example, in Figures 1 and 2. It is maintained that this language is not informal and is well understood by one skilled in the art.

On page 10, line 3, the word "be" has been added.

On page 10, lines 7 and 8, event has been relabeled to "302."

On page 10, line 11, a period has been added.

With respect to the objection on page 10, line 20 – page 12, line 6, there is no requirement for applicant to draw each and every example or variation discussed in the specification. None of the pending claims recite the event 302 being four watermelons. Furthermore, at page 10, line 7, another event could be when the player wins 100 credits or more. Likewise, this does not need to be illustrated. These specific examples are examples only and the event could be any event, whether or not discussed as an example in the specification that performs as set forth in the drawings and as claimed in the claims.

**Paragraph 6** – The specification has been proofread at the Examiner's request and various typos and mis-numberings have been corrected. No new matter has been introduced.

### **Claim Objections**

The Examiner has made a number of objections. Again, the undersigned would like to thank the Examiner for his thoroughness and suggestions.

**Paragraph 7** – The Examiner's suggested clarification language has been incorporated with respect to claims 1, 7, 9, 13, 16, and 25-29. With respect to use of the term "Internet," this is not a trademark. It is a generic word, commonly defined. The applicant chooses to use the word "Internet" as it is well understood by one skilled in the art. Newton's Telecom Dictionary (9<sup>th</sup> ed 1995) at pages 610-611 discusses the "Internet" to be:

"The Internet traces its origins to a network called Arpanet which was set up in 1969 by the Defense Department. The Internet's backbones and university-government hookups are financed by federal government monies. But the Internet's networking technology is very smart. Every time, someone hooks a new computer to the Internet, the Internet adopts that hookup as its own and begins to route Internet traffic over that hookup and through that new computer. Thus as more computers are hooked to the Internet, its network grows exponentially. The invention of the Internet will go into the history books as one of the twentieth century's most important inventions."

See also "How the Internet Works" by Preston Gralia, QUE (Fourth Ed. 1998).

#### **Claim Rejections – 35 U.S.C. §112**

**Paragraphs 10-12** – Claims 19 and 23 have each been amended to become definite. Each claim has been amended to recite that the sequence or feature "appearing on a touch screen display." This is supported in the specification such as at page 8, line 4 and page 11, line 9.

**Paragraph 13** – The claims have been proofread and amended accordingly as shown.

#### **Claim Rejections – 35 U.S.C. §102**

Claims 1-8, 10-15 and 17-29 have been rejected under 35 U.S.C. §102(b) as being anticipated by Claypole, et al. (GB 2,262,642A). Claypole does not disclose the claimed invention as found in claims 1-8, 10-15 and 17-29. Claypole specifically discloses:

"This machine also includes a "secret" feature. The machine is programmed to be put into "secret feature" mode whenever any one of a very few specific combination of symbols appears on the reel display. These combinations, and the existence of the "secret feature" mode, are however not indicated on the machine panel at all. When the mode is entered, however, some non-explanatory indicating sign, e.g. a light, appears on the display screen 15. An experienced player will notice this and realize that something special is happening. In this mode, the machine will respond to an ordered pressing of the hold/nudge buttons 17 by making a bonus award. The amount of the award

depends on the order in which the buttons are pressed. Again, even an experienced player may take many games to understand the action required to gain a bonus payout following the indication on the display screen 15." (Emphasis added. Page 16, Line 4-20. )

The "secret" feature of Claypole is no longer a secret when the mode is entered since a "non-explanatory indicating sign, e.g. a light, appears on the display screen 50." The activation of this "light" is information to the player that the "secret feature" exists. Independent claim 1 already recited that no information is disclosed to the player and is amended to recite "when the hidden bonus feature is provided." Independent claims 25 and 28 are amended to recite that the hidden bonus feature is provided "without warning the player." Support for this is found in the specification at page 9, lines 7-10. This does not require a new search as this language only clarifies the original "not disclosing information" language of claim 1. Hence, Claypole does not disclose and, therefore, does not anticipate the claimed invention. The present invention has a "secret feature," but does not require the "non-explanatory indicating sign." Hence, anticipation is not found, nor is the removal of the "non-explanatory indicating sign" an obvious design change. It is required by Claypole.

In the Office Action, the rejection states: "... the existence of the secret feature are not indicated on the gaming machine panel at all." This is incorrect. When the Claypole secret mode is entered, "... some non-explanatory indicating sign, e.g., a light, appears on the display screen." Claypole requires the "indicating sign" which is disclosed to be a light on screen 15 (this is on the gaming machine panel) to turn on when the secret feature is active. Hence, not only are the three independent claims not anticipated nor are any of the dependent claims. The Office Action specifically addresses claims 2-8, 10 and 28, 11-12, 13 and 27, 14 and 26, 15, 17-24 and 29. Each of these specific claimed features as set forth precisely in each claim and as summarized by the Rejection, when read with their corresponding independent claims of 1, 25 and 28, are not anticipated for the reasons set forth above for the independent claims. A critical feature found in the independent claims is not disclosed in Claypole. Claypole requires a "non-explanatory indicating sign, e.g., a light," to appear on Claypole's display screen. When this occurs, "an experienced player will notice this and realize that something special is happening." This "information" is not required under the teachings of the present invention. Hence, all claims are not anticipated and are patentably distinct either under 35 U.S.C. §102 or 103.

Independent claims 1, 25, and 28 recited "a response" or "an input," while this recites "one," these claims have been amended to clarify that this is a "single" response or input. Claypole requires "ordered pressing" of buttons (i.e., a precise sequence). All claims are patentably distinct.

### **Claim Rejections – 35 U.S.C. §103**

Claims 9 and 16 are rejected under 35 U.S.C. §103(a) over the disclosure of Claypole. The arguments set forth above are incorporated herein and it is maintained that for those reasons, claims 9 and 16 are patentably distinguishable when read with independent claim 1. With respect to Walker, there is no disclosure in Walker of the features set forth in independent claim 1; no disclosure whatsoever.

### **Double Patenting**

A Terminal Disclosure is enclosed.

### **Conclusion**

In paragraph 22 of the Office Action, the Examiner cites a number of prior art references. These prior art references have been reviewed and the Applicant concurs with the Examiner that these are not pertinent to the claimed invention.

Should you have any questions regarding the above Amendment, please feel free to give the below-listed attorney a call. If additional fees are required, please debit our Deposit Account No. 04-1414.

Respectfully submitted,

DORR, CARSON, SLOAN, BIRNEY & KRAMER, P.C.

Date: 7/19/04

By: Robert C Dorr

Robert C. Dorr  
Reg. No. 27,782  
3010 East 6th Avenue  
Denver, Colorado 80206  
(303) 333-3010